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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,188	09/16/2003	Mark Huber	N0175US	1396

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NAVIGATION TECHNOLOGIES
222 MERCHANDISE MART
SUITE 900, PATENT DEPT.
CHICAGO, IL 60654

EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
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2677

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,188	Applicant(s) HUBER ET AL.	
	Examiner Daniel J. Chung	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 23-41 are presented for examination. This office action is in response to the amendment filed on 3-14-2005.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 23-41 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,650,326. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims in U.S. Patent Number 6,650,326 encompass the limitations of recited claims of the instant application. Omission of element and its function from the patent claims would have been obvious if the functions or the elements are not desired (See MPEP 2144.04(II)A). It is well settled that the omission of an element and its function in combination is obvious expedient if remaining elements

perform same functions as before. In re KARLSON (CCPA) 136 USPQ 184 (1963).

Also note Ex parte Rainu, 168 USPQ 375 (Bd. App. 1969).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the same scale" in line 11 of claim 1. Specifically, there is insufficient antecedent basis for this limitation in the claim. Also, the phrase "the same scale" it is not understood as to how one determines what is "the same scale" should be? Thus, the claim is vague and ambiguous.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota (6,587,787) in view of Peschke (6,397,143).

Regarding claim 23, Yokota discloses that the claimed feature of a method for displaying a zooming operation on a display screen of a client computing platform, the method comprising: obtaining a collection of data [i.e. map database; 24] for displaying images showing features; using said data to display on the display screen ["display unit"; 20] a first image [i.e. 'one of overlay layers'] showing features at a first scale with a first level of detail and then to display on the display screen a second image [i.e. 'one of another overlay layers with different scale'] showing the same features [i.e. geographies feature] at a second scale with a second level of detail, wherein the second scale is different from the first scale; and between the displaying of the first image and the displaying of the second image, displaying on the display screen an intermediate image [i.e. 'composed/synthesized display from a plurality of layers'] that combines two component images showing at least some of the same features [i.e. geographies feature], wherein the two component images in the intermediate image are at the same scale, wherein the two component images in the intermediate image are registered so that the same features represented in the two component images coincide. (See Fig 6-8, Fig 10, col 1 line 31-39, col 4 line 56-col 5 line 11, col 8 line 66-col 9 line 7, col 11 line 1-17)

Yokota does not specifically disclose “the intermediate image”, as recited in claim. However, such limitation is shown in the teaching of Peschke. [i.e. “this intermediate level display the district...”] (See col 6 line 66-col 7 line 10) It would have been obvious to one skilled in the art to incorporate the teaching of Peschke into the teaching of Yokota, in order to provide great user’s responsiveness to point of interest within display system, as such improvement is also advantageously desirable in the teaching of Yokota for effectively providing enhanced display view to acknowledge the geographic entities in display with easy manner.

Regarding claim 24, Yokota discloses that at least one of the two component images in the intermediate image is displayed at a less than full color saturation. (See “color display scheme” col 11 line 28-col 12 line 34)

Regarding claim 25, Yokota discloses that the one of the two component images in the intermediate image gradually fades out. (See “color display scheme” col 11 line 28-col 12 line 34)

Regarding claim 26, Yokota discloses that the other of the two component images in the intermediate image gradually fades in. (See “color display scheme” col 11 line 28-col 12 line 34)

Regarding claim 27, Yokota discloses that at least some features [i.e. "city boundaries"] represented by the first image are displayed differently in the second image. (See Fig 6-8, col11 line 1-17)

Regarding claim 28, Yokota discloses that the scale used for the intermediate image corresponds to the first scale. (See col 1 line 31-39, col 4 line 1-17)

Regarding claim 29, Yokota discloses that the scale used for the intermediate image corresponds to the second scale. (See col 1 line 31-39, col 4 line 1-17)

Regarding claim 30, Yokota discloses that at least one of the two component images in the intermediate image is displayed with transparency. (See Fig 7)

Regarding claim 31, Yokota discloses that the first image and the second image are displayed using the Scalable Vector Graphics standard. (See "display controller"; 16 in Fig 1, as utilizing SVG is well know in an analogous art to represent image onto the display unit)

Regarding claim 32, Yokota discloses that the first image and the second image are displayed in an Internet browser. (See "display controller"; 16 in Fig 1, as utilizing Internet is well know in an analogous art to share/operate the image processing with multiple users)

Regarding claim 33, Yokota discloses that downloading the collection of data [24] from a server [i.e. 26]. (See Fig 1)

Regarding claim 34, claim 34 is similar in scope to the claim 23, and thus the rejection to claim 23 hereinabove is also applicable to claim 34.

Regarding claim 35, Yokota discloses that prior to the step of using data to represent features at the first scale in the first image, downloading the data used to represent the features in the first image, the second image and the third image from a server. (See Fig 1)

Regarding claim 36, Yokota discloses that downloading a routine from the server that adjusts layer transparency depending upon zoom layer. (See Fig 1, Fig 7)

Regarding claim 37, claim 37 is similar in scope to the claims 23 and 33, and thus the rejections to claims 23 and 33 hereinabove is also applicable to claim 37.

Regarding claim 38, claim 38 is similar in scope to the claim 31, and thus the rejection to claim 31 hereinabove is also applicable to claim 38.

Regarding claim 39, Yokota discloses that after presenting the intermediate image, presenting an ending image on the display screen of the client computing platform, wherein the ending image includes at least a portion of the same features shown in the first image but at a different scale. (See Fig 6-8, col 1 line 31-39, col 11 line 1-17)

Regarding claim 40, claim 40 is similar in scope to the claim 23, and thus the rejection to claim 23 hereinabove is also applicable to claim 40.

Regarding claim 41, claim 41 is similar in scope to the claim 33, and thus the rejection to claim 33 hereinabove is also applicable to claim 41.

Response to Arguments/Amendment

Applicant's arguments with respect to claims 23-41 have been considered but are moot in view of the new ground(s) of rejection. Specifically, in response to the applicant's argument that the cited reference does not disclose "the intermediate image" in recited claim, the newly submitted reference (Peschke) discloses the intermediate level displaying within an analogous art. (See col 6 line 66-col 7 line 10) . See the rejection hereinabove.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (571) 272-7657. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (571) 272-7664.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

571-273-8300 (Central fax)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
June 21, 2005



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600